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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,970	10/14/2003	Kevin L. Parsons	90054	9957

24628 7590 05/17/2005

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EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,970

Applicant(s)

PARSONS, KEVIN L.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,188,362 to Ashihara. Ashihara discloses an end cap for use with a leverage baton handle (2), the end cap, comprising:

a unitary body (8) defining a longitudinal axis and having an enlarged knob end (8e); the body having an opposite threaded cylindrical segment (6b, 15) distal end of a smaller external diameter than the knob end for attaching the end cap to the leverage baton handle at a proximal end (9a) of the baton handle in substantially axial alignment therewith, and the body further having a reduced diameter annular tapered neck portion (8c) intermediate and contiguous to the knob and the distal end, the neck portion being sized to receive a user's finger in wrapped relation about the neck portion so that the finger is captured between the knob and the distal end such that the baton handle can be held firmly adjacent the proximal end of the handle with at steadfast grip.

As to claims 2-4 and 9-11, the knob end is hemispheric in shape defining a dome shape with an opposite flat end surface defining the tapered neck portion depending therefrom.

As to claims 5-7, 12-14 and 16, the opposite attachment end from the body is a generally cylindrical segment (9) having an internal threaded sleeve (6c) for cooperative engagement with

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distal end of the body and connected to the threaded cylindrical segment distal end. The knob end of the end cap defines a means (8h) to hold an element (3).

Response to Applicant's Arguments

Applicant's arguments filed in the Amendment submitted on February 25, 2005 have been fully considered but they are not persuasive. In particular, applicant remarks on page 8 of the above amendment state that the prior art relied upon (#5,188,362 to Ashihara) does not meet the limitations of applicant's claims as currently presented. The Examiner believes applicant's amendment to the claims does not remove Ashihara from anticipating applicant's claim limitations. In fact, applicant's claims have been broadened to recite a "leverage end cap" instead of the combination of a leverage baton and end cap as previously claimed. Thus, the field of search and potential prior art references has been widened in scope to include various end caps describing the structural limitations set forth in the claims. However, the Examiner believes the applied disclosure of Ashihara relates to a leverage end cap comprising a unitary body defining a longitudinal axis and having an enlarged knob end. The body having an opposite threaded cylindrical segment distal end of a smaller external diameter than the knob end for attaching the end cap to a leverage baton handle at a proximal end of the baton handle in substantially axial alignment therewith. And the body further having a reduced diameter annular tapered neck portion intermediate and contiguous to the knob end and the distal end, where the neck portion is sized to receive a user's finger in wrapped relation about the neck portion so that the finger is captured between the knob and the distal end such that the baton handle can be held firmly adjacent the proximal end of the handle with at steadfast grip.

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Therefore, since applicant's claims have been broadened in scope and directed to a leverage end cap, the Examiner believes Ashihara meets the structural limitations recited in the amended claims. Consequently, claims 1-16, 18 and 19 are found to be unpatentable over Ashihara.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER